

This application claims priority under 35 U.S.C. 119(e) to U.S. Provisional Patent Application Serial No. \_\_\_\_\_ 60/285,497, entitled Microlens Structure, Manufacture, and Use, filed on April 19, 2001.

R E M A R K S

Applicant's representative provisionally elects with traverse claims 1-7, 9-12 and 19-20, Group I. Applicant's representative respectfully requests that the Examiner reconsider and withdraw the restriction requirement.

Group I, claims 1-7, 9-12 and 19-20, Group II, claims 14-18, and Group III, claims 8, 13 and 21-23, are not separate groups. An application may be properly required to be restricted on one or more patentably distinct inventions only if (a) the inventions are either independent or distinct as claimed **and** (b) there is a **serious** burden on the Examiner (see MPEP §803, emphasis added by Applicant's representative).

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent and distinct inventions (MPEP §803, under the heading Restriction-When Proper). The Examiner does not appear to have met the burden of showing a *prima facie* case why there would be a serious burden to search and examine the entire application (MPEP §803).

Furthermore, Examiners must provide reasons and/or examples to support conclusions (see MPEP §803, under the heading GUIDELINES). The Examiner has not presented objective evidence or appropriate explanation for the conclusory statement that Group I has separate utility from Groups II or III other than that they are "unrelated" (see Office Action on page 2, paragraphs 2 and 3). Since the claims of Group III are all dependent claims, no serious burden exists for their examination. The claims of Groups I and II are so similar as to warrant examination together. Therefore, the Office Action does not appear to establish a *prima facie* showing that there would be a **serious** burden on the Examiner to search and examine the entire application (MPEP §803). As such, the requirement for restriction does not appear to be proper and should be withdrawn (MPEP §803).

CORRESPONDENCE ADDRESS

The Examiner's attention is directed to the attached Change of Correspondence Address/Power of Attorney forms. Any future correspondence should be directed to the new address associated with customer number 24319.

The Examiner is respectfully invited to call the Applicants' representative should it be deemed beneficial to further advance prosecution of the application.

If any additional fees are due, please charge our office Account No. 12-2252.

Respectfully submitted,

CHRISTOPHER P. MAIORANA, P.C.

Christopher P. Maiorana  
Registration No. 42,829  
24840 Harper Avenue, Suite 100  
St. Clair Shores, MI 48080  
(586) 498-0670

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c/o Peter Scott  
LSI Logic Corporation  
Legal Department - IP  
1621 Barber Lane, M/S D-106  
Milpitas, CA 95035

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